

**Congress of the United States**  
**Washington, DC 20515**

February 5, 2002

The Honorable George W. Bush  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Re: North Korea

Dear Mr. President:

We are writing to urge you to take the necessary steps to ensure that North Korea does not obtain access to sensitive U.S. nuclear technologies or materials, at least for so long as it is in violation of its international nonproliferation obligations.

In your State of the Union address, you correctly identified North Korea as part of an "axis of evil, arming to threaten the peace of the world." You noted that "North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens." And we welcomed your pledge that "We will work closely with our coalition to deny terrorists and their state sponsors the materials, technology, and expertise to make and deliver weapons of mass destruction."

We want you to know that we share your concern over the threat posed to the United States and global security by the efforts of nations like North Korea's obtaining nuclear and other weapons of mass destruction. That is why we believe that now is the time to reconsider U.S. efforts to provide North Korea with two light water nuclear reactors. These efforts, initiated during the Clinton Administration and continued by your State Department, need to be re-evaluated in light of the threats you have identified.

Specifically, we understand that the Administration is preparing to release additional funds to the Korean Peninsula Energy Development Organization (KEDO), which is responsible for constructing two light water reactors in North Korea. Before this can be done, U.S. law requires you to certify that North Korea is abiding by the terms of the 1994 Agreed Framework and that it has no covert nuclear weapons program. In light of your strong statement in your State of the Union address regarding North Korea, we suspect that the facts do not support your making this certification. Accordingly, we urge you not to follow the practice in past years of waiving applicable certification requirements, at least for so long as North Korea continues to deny the International Atomic Energy Agency full access to suspected nuclear facilities and other information in North Korea.

You have spoken about the need to promote compliance with current nonproliferation agreements. On this, both Democrats and Republicans are agreed. Indeed, promoting compliance with the Agreed Framework was the goal that the North Korean certification

requirement was designed to support. Insisting upon satisfaction of this requirement is especially timely in light of your forthcoming trip to South Korea.

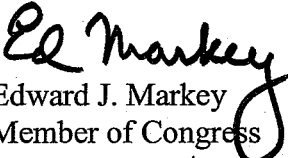
We believe that you should give further consideration with regard to whether it is in the U.S. national interest to allow North Korea to obtain access to light water reactor designs or technologies in light of its ongoing interest in obtaining access to weapons of mass destruction. We also believe that further consideration needs to be given to whether alternative energy generation technologies would more quickly and cheaply meet any of North Korea's legitimate future power needs.

Among the concerns we would hope you would address in your decision with regard to the North Korea certification requirement are:

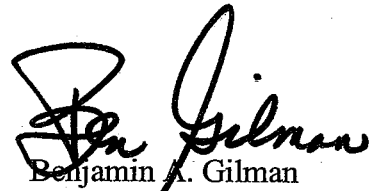
1. Recent public reports that North Korea has been operating a secret uranium processing site that might either help in making illicit fuel for a covert weapon production reactor or for the enrichment of uranium to weapons grade.
2. North Korean statements that there will be no International Atomic Energy Agency (IAEA) inspection of declared or suspect nuclear sites in North Korea until after a "substantial portion" of the reactor project is completed and demanding additional compensation not called for in the Agreed Framework for not completing the project by the projected target date.
3. Concerns that prior to the laying of concrete foundations this August, North Korea will not agree, as required by Article III of the KEDO Supply Agreement reached June 13, 1995, to a protocol laying out the schedules for the light water reactors' construction and meeting the nonproliferation requirements of the Agreed Framework.
4. Concerns that the proposed reactors are not economically viable projects in light of the current state of the North Korean economy and the reportedly unreliable and antiquated North Korean power grid, which underscore suspicions that the real purpose of these facilities – from the North Korean perspective – is to acquire the technical expertise, infrastructure, training, and technology and materials that would facilitate a covert nuclear weapons program.

We await your decision regarding the North Korea certification requirement and look forward to working with you to assure that countries, such as North Korea, which form part of the "axis of evil," do not obtain access to sensitive nuclear materials and technologies – especially from the United States.

Sincerely,

  
Edward J. Markey  
Member of Congress

  
Christopher Cox  
Member of Congress

  
Benjamin A. Gilman  
Member of Congress

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Cc: The Honorable Colin Powell  
The Honorable Donald Rumsfeld